



**Long-Term Suspensions & Expulsions/ Provision of Educational Services  
Testimony for the Maryland State Board of Education**

**Kalima Young, Education Advocate  
September 27, 2011**

The ACLU of Maryland is encouraged that the State Board has shown an interest in analyzing long-term suspension and expulsion practices. However, we remain very troubled by the high number of suspensions and expulsions in Maryland public schools, the lack of meaningful provision of educational services for students during these absences and the lack of standardized due process guidelines for students being considered for long-term suspensions and expulsions.

As representatives of the *Bradford* plaintiffs, parents of children in Baltimore City schools, the ACLU is dedicated to ensuring that children in Maryland public schools receive a thorough and efficient education. We advocate for policies and laws that further that goal, such as the law passed several years ago which prohibits school systems for suspending students for attendance issues such as truancy, tardiness, and class-cutting. We have worked with local jurisdictions, such as Baltimore City, to evaluate and develop standards that ensure equity and fairness in the implementation of their Code of Conduct. The city schools Code of Conduct describes student behavior deemed inappropriate and applies a graduated level of discipline based on the offense. The ACLU has also been an active member of the Baltimore City Public Schools work group that reviews suspension data to monitor the effectiveness of the new discipline system.

With the graduated system, Baltimore City has seen its suspensions reduced from 16, 631 incidents in 2004-2005 to 9, 712 in 2009-2010. The changes in Baltimore came from leadership of the CEO and school board who recognized that there was a problem, decided to address it with the school community and stakeholders and found alternatives to suspensions that focused on effectively changing young people's behavior.

The ACLU has analyzed MSDE data on in-school and out-of-school suspensions. A total of 139,014 incidents of suspension occurred in 2009-2010. This pattern varies wildly across counties and jurisdictions with Montgomery County representing the lowest incidence of out-of-school suspension 2.5%- and Somerset the highest, 13.6%. Although African-Americans make up 37.9% of the student population in Maryland, 61.2% of all suspension incidents involved an African American student. In comparison, Whites make up 45.5% of the student population but represented only 30.8% of the incidents of suspension. Many counties have high percentages of suspension for the category of disrespect- this category can be quite subjective (60% of suspensions in Anne Arundel County are in the "disrespect" category). The ACLU finds this troubling. Not only does it indicate a level of disproportionality for minority students, and varying rates across counties, it also illustrates that many school systems do not seem to accept the evidence that suspensions do not work to improve behavior. Research continues to show that suspensions reinforce further suspensions. Additionally, suspensions increase the dropout rate and lead students to a higher involvement in the criminal justice system. This is a pattern that needs to be addressed with more urgency.

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We are heartened by the efforts being made to address the disproportionate number of suspensions in Maryland. We call upon the State Board of Education and Department of Education to:

- Develop a department protocol for regularly monitoring available data to identify inequities and inappropriate disciplinary actions, including the use of police referrals for school incidents that outside the school would not be a crime.
- Require school systems, particularly those with rates of out-of-school suspensions higher than the state average, to develop plans to reduce them and submit those plans to you for review.
- Develop a system of sanctions for school districts that rush to suspend students for non-violent, first-time infractions that in more effective districts would result, for instance, in a parent conference or counseling.

In terms of the Proposed Guidelines for Timely Disposition of Long-Term Suspensions and Expulsions, the ACLU of Maryland would like to reiterate our endorsement of the following provisions that the Board has in the guidelines:

- The ACLU of Maryland believes that conferences and hearings at each step of the discipline process ought to be taped, and made available to families, to ensure that youth/parents are able to file an appeal based on a common set of facts/history. A prohibition against using these recordings in any future court proceedings should be included, so that the fact that the meeting is being recorded does not discourage students or parents from being forthcoming, for fear of future penalty.
- Provisions should be made to accommodate parent availability for teacher conferences upon a student's return so that readmission is not delayed.
- Parents should have 15 days of receipt of the letter of the Superintendent's decision to file an appeal.

Finally, the ACLU of Maryland feels very strongly that explicit guidelines should be in place to address the Provision of Educational Services for Youth on Long-Term Suspension and Expulsion. We believe the following:

- Additional language should be added to the proposed guidelines for the Provision of Education Services that directs school systems to make the process for receiving and completing schoolwork as simple as possible for students and their families.
- During last month's panel discussion, administrators made the argument that suspensions and expulsions are an excused absence and therefore, make-up work is already made available for students. Suspensions and expulsions come with a unique set of challenges that students who are absent for medical or family reasons do not face. Suspended students cannot return to the school grounds to pick up work; parents are often tasked with picking up make-up work but not given an adequate window of time to make it to the school or to access it by alternative means. In order to address these factors, it is important that explicit and uniform education guidelines be put in place for students on suspension.
- We firmly believe that a serious effort must be made for a student to receive homework, exams and make up work and that this is burden should not fall just on the shoulders of the

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student and parent but also on school administration. One student's failure due to suspension is not just reflection on that child but on the school as a whole. This is particularly important in light of the disproportionate suspensions among minority students who are often at a disadvantage academically due to limited resources.

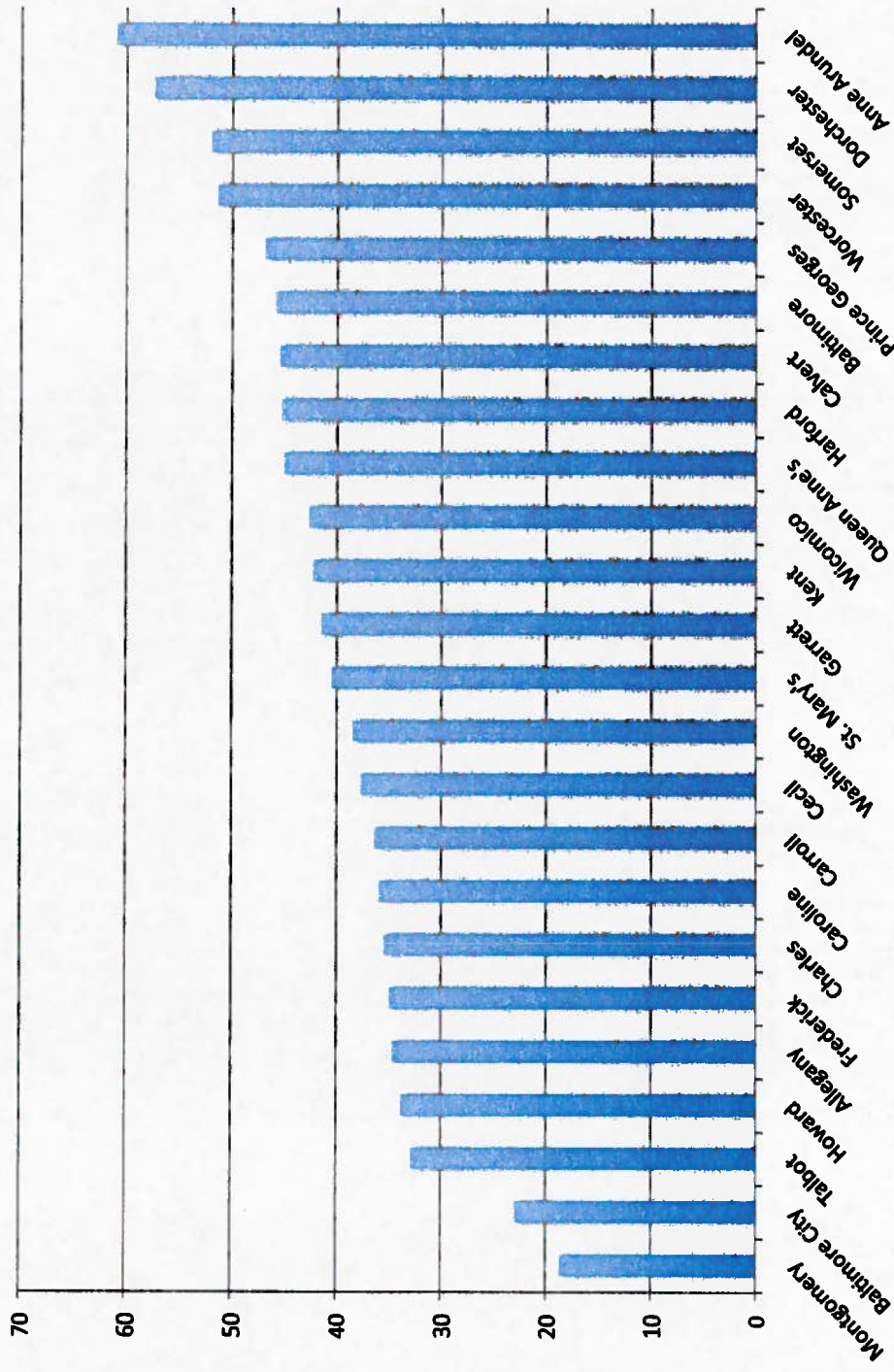
The ACLU of Maryland supports the State Board and Department's steps to make suspensions and expulsions equitable and fair but remind you that there is an urgent need tackle the broader issues of discipline such as disproportionate minority suspensions as quickly as possible.

Thank you very much for your time.

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# Suspensions for Disrespect by County

## % of Total District Suspensions 2009-2010

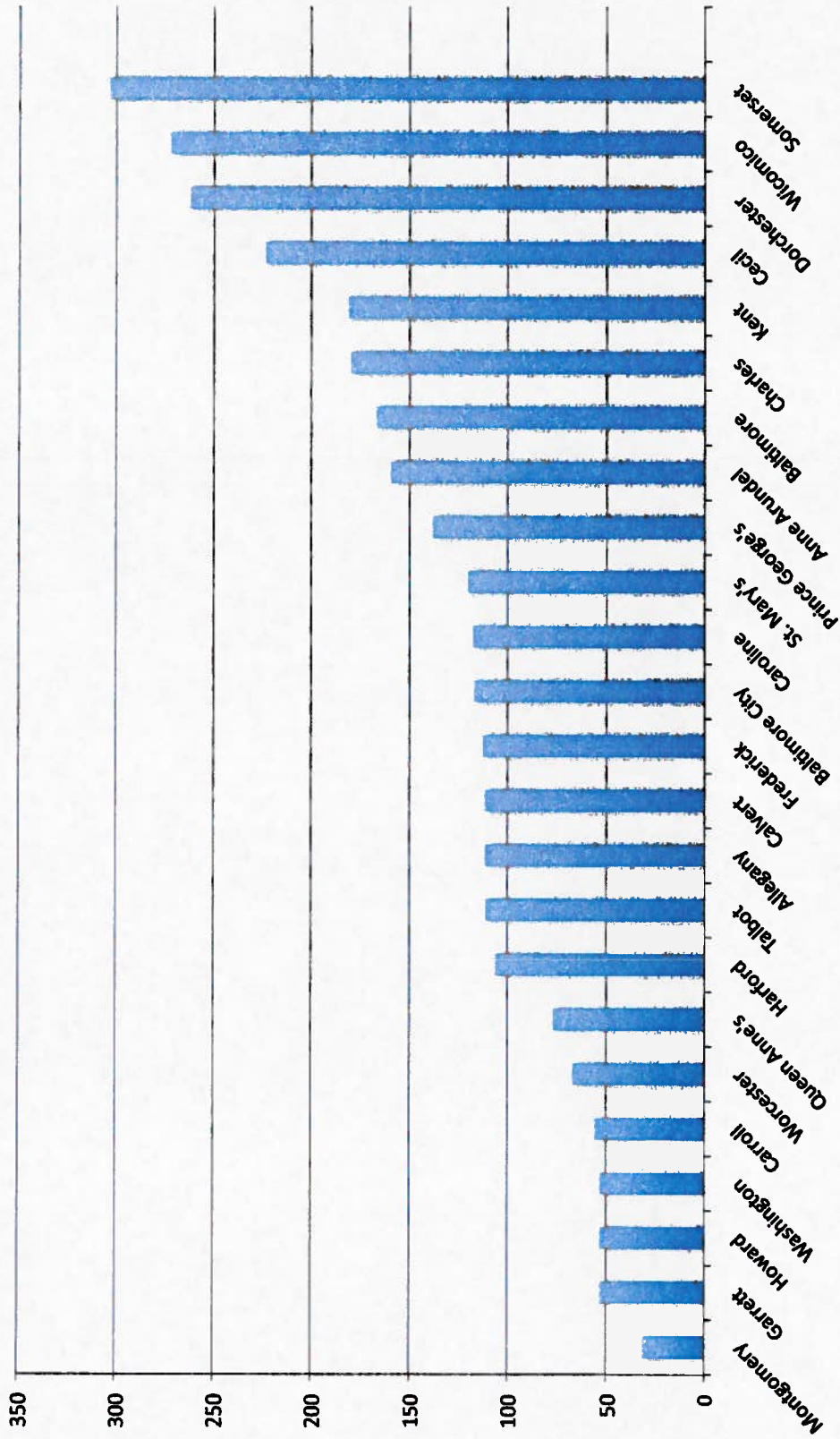


MD Public School Suspensions and Expulsions by School and Major Offense Category 2009-2010

ACLU Education Reform Department  
June 2011

# A County by County Comparison

## Out of School Suspensions Per 1,000 Students



MD Public School Suspensions and Expulsions by School and Major Offense Category 2009-2010  
Maryland Public School Enrollment 2009